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THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF ENVIRONMENTAL SERVICES  
WASTE MANAGEMENT COUNCIL

DOCKET #03-05 WMC

IN RE: NORTH COUNTRY ENVIRONMENTAL SERVICES, INC.

Standard Permit No. DES-SW-SP-03-002

PARTIALLY ASSENTED-TO MOTION FOR  
REHEARING ON ITS MOTION TO EXTEND TIME

The Town of Bethlehem, (the "Town") by and through its counsel, Boutin & Associates, P.L.L.C., files this Motion for Rehearing in the above-entitled Appeal to the Waste Management Council ("WMC") on its ruling on the Town's Motion to Extend Time, and in support thereof states:

1. On or about May 12, 2003, the Town filed a Motion to Extent Time and for Continuance in the above-entitled matter.
2. NCES responded to the Town's Motion to Extend Time on May 14, 2003, indicating that it did not object to extending the deadline until May 16<sup>th</sup> for the Town to file a response to NCES's Motion to Dismiss.
3. NHDES did not object either written or verbally to the extension regarding the Town's request to extend time for its response to the Motion to Dismiss.
4. The Town filed its Objection to NCES's Motion to Dismiss on May 16, 2003.
5. On June 12, 2003, the WMC dismissed as moot the entire motion.
6. The Town agrees that the motion to continue is moot.

7. The Town believes, however, that its Objection to the Motion to Dismiss must be part of the record regardless of whether the WMC decides to rehear the case or lets stand its order dismissing the Town's Petition.

8. By dismissing the Town's motion in its entirety, the Town questions whether its Objection is part of the WMC's record in this matter.

9. The undersigned counsel requested the assent to the requested relief in this motion and Bryan Gould, counsel for NCES assented, but Maureen Smith for NHDES was unavailable.

WHEREFORE, The Town of Bethlehem requests the Waste Management Council:

A. Reconsider that part of its Order that dismissed as moot, the Town's Motion to Extend Time for its submission of its Objection to NCES's Motion to Dismiss;

B. Specifically rule that the Town's Objection to NCES's Motion to Dismiss is part of the Record of the WMC; and

C. For other relief that may be just.

Respectfully submitted,

**TOWN OF BETHLEHEM**

By Its Attorneys,

BOUTIN & ASSOCIATES, P.L.L.C.

Date: July 1, 2003

By,

**COPY**  


Brenda E. Keith  
One Buttrick Road  
P.O. Box 1107  
Londonderry, NH 03053  
(603) 432-9566

**CERTIFICATE OF SERVICE**

I, Brenda E. Keith, Esquire, hereby certify that I made service of the foregoing Motion to Continue Appeal by hand-delivering a copy of the same to: Michael Nolin, Commissioner New Hampshire Department of Environmental Services, Dr. Philip O'Brien, Director of Waste Management Division, Town of Bethlehem, Mark R. Harbaugh, DES Legal Unit, Michael Guilfooy, DES-WMD, Richard Reed, DES-WMD, and, via fax and U.S. Post to: Bryan K. Gould, Esquire, counsel for North Country Environmental Services, and Maureen D. Smith, Attorney General's Office.

Date: July 1, 2003

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Brenda E. Keith